

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 AIMEE O'NEIL,

4 Plaintiff

5 v.

6 STATE OF NEW YORK,

7 Defendant

Case No.: 2:20-cv-00941-APG-DJA

**Order Accepting Report and
Recommendation and Closing Case**

[ECF Nos. 1, 3]

8 On May 28, 2020, Magistrate Judge Albregts recommended that I dismiss this case for
9 lack of subject matter jurisdiction and deny plaintiff Aimee O'Neil's application to proceed in
10 forma pauperis as moot. ECF No. 3. O'Neil did not file an objection. Thus, I am not obligated
11 to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring
12 district courts to "make a de novo determination of those portions of the report or specified
13 proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114,
14 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings
15 and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

16 I THEREFORE ORDER that Magistrate Judge Albregts' report and recommendation
17 **(ECF No. 3) is accepted**, plaintiff Aimee O'Neil's application to proceed in forma pauperis
18 **(ECF No. 1) is DENIED as moot**, and this action is dismissed without prejudice for lack of
19 subject matter jurisdiction. The clerk of court is instructed to close this case.

20 DATED this 22nd day of June, 2020.

21 

22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE